



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/526,871

03/04/2005

Petrus Johannes Lambertus Jacobus Van De Laar

NL 020822

7998

24737

7590

08/18/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

STANLEY, MARK P

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

08/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,871	<b>Applicant(s)</b> VAN DE LAAR, PETRUS JOHANNES LAMBERTUS	
	<b>Examiner</b> MARK P. STANLEY	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                             |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/4/2005, 9/6/2005</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9-12 rejected under 35 U.S.C. 102(e) as being anticipated by Mault (US 2002/0107433 hereinafter Mault).

**Regarding claim 1**, Mault discloses “a data processing device for making suggestions to a user, the device comprising a detector arranged to detect a condition pertaining to the user of said device, and presentation means for presenting to the user a suggestion to perform an activity in response to the detection of said condition, characterized in that the device comprises” ([0067], [0076], [0082], [0089]-[0093], Figs. 15 and 19-20)

“search means arranged to automatically find media data which provide the user with directions for performing said suggested user activity,” ([0119]-[0122], [0129]-[0130], Fig. 26 item 456a, claims 7-8)

“wherein said presentation means is arranged to present said found media data to the user” ([0130], Fig. 34 item 456b).

**Regarding claim 2,** Mault discloses “the device of claim 1, wherein said detector is arranged to monitor user activities” ([0067], [0076], [0082]).

**Regarding claim 3,** Mault discloses “the device of claim 1, further comprising suggestion means arranged to autonomously generate said suggestion to perform said activity in response to the detection of said condition” ([0119]-[0122], [0129]-[0130], Fig. 26 item 456a, claims 7-8).

**Regarding claim 4,** Mault discloses “the device of claim 1, wherein said device is arranged to enable the user to manually select and schedule a suggestion being a reminder to perform an activity” ([0128]-[0130], Figs. 33-34, a user may add modify a schedule which contains a list of activities presented to the user as a reminder that they are to be performed at a predetermined time).

**Regarding claim 5,** Mault discloses “the device of claim 3, wherein said suggestion means is arranged to suggest to the user to start at least one physical exercise, said search means being arranged to find media information guiding the user to perform at least one suggested physical exercise” ([0129]-[0130], Fig. 34).

**Regarding claim 6,** Mault discloses “the device of claim 3, wherein said suggestion means is arranged to suggest to the user a starting time for performing said suggested activity” (Fig. 34).

**Regarding claim 7**, Mault discloses “the device of claim 3, wherein said suggestion means is arranged to enable the user to manually select a starting time for performing said suggested activity” ([0128], a user may modify a schedule selecting the day for which the exercise is to occur at a point of time in the selected day).

**Regarding claim 9**, Mault discloses “the device of claim 1, wherein said search means is further arranged to obtain said media data from an external source” (Fig. 19, [0121]).

**Regarding claim 10**, Mault discloses “An apparatus incorporating the device as claimed in claim 1, the apparatus being selected from a group of a television set, video cassette recorder, personal digital assistant, personal computer, portable equipment “(Figs. 5 and 19, [0122]).

**Regarding claims 11-12**, the claims have been analyzed and rejected for the same reasoning as claim 1 above.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2623

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Mault (US 2002/0107433 hereinafter Mault) as applied to claim 6 above, and in view of Teller et al. (US 6,605,038 hereinafter Teller).

**Regarding claim 8**, Mault discloses the devices of claim 6 as described above, but while Mault teaches providing an indication of a starting time being a specific date of which an exercise is to occur, Mault does not explicitly state the use of “a visual representation of a clock indicating at least said starting time” presented “for a predetermined time before said starting time”.

However, Teller teaches of the monitoring a user through a device and the scheduling of activities where a user is provided with a visual reminder via LCD on the device that a scheduled activity is to take place (col. 6 lines 13-41, col. 14 lines 26-38), where OFFICIAL NOTICE is taken that the user of a clock as the visual reminder would have been well known and obvious to try, for the purpose of providing a specific time reference for the user.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Mault for providing a training program of automatically selected media to occur at set points in time based on monitoring of the user with the teachings of Teller for providing for providing a training program of selected activities to occur at set points in time based on monitoring of the user where the user is provided a visual reminder that an activity is set to occur. One

Art Unit: 2623

would have been motivated to do so, for the purpose of providing an alert to a user that a scheduled activity as a reminder where the user may not be aware of such.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. STANLEY whose telephone number is (571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark P Stanley/

Application/Control Number: 10/526,871

Page 7

Art Unit: 2623

Examiner, Art Unit 2623

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623